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The Cracks in the Golden Door: An Analysis of the Immigration Policy of the United States of America, 1882-1952.

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A thesis  
presented to  
the faculty of the Department of History  
East Tennessee State University

In partial fulfillment  
of the requirements for the degree  
Master of Arts in History

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by  
Brian David Fouche  
August 2007

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Dr. Elwood Watson, Chair  
Dr. Emmett Essin  
Dr. Stephen Fritz

Keywords: Immigration, Restrictionists, Quotas, Displaced Persons, Chinese Immigrants

## ABSTRACT

The Cracks in the Golden Door: An Analysis of the Immigration Policy of the United States of America, 1882-1952

by

Brian David Fouche

Since its founding, the economic opportunities and quality of life present in the United States of America have drawn millions of people across the oceans to seek out a better existence for themselves. America's Founding Fathers believed that the country needed as large a population as possible to become a strong nation. The capitalistic economy of the new nation caused immigration to become critically important in the expansion of its manufacturing infrastructure. Once the growth of the nation's population began to exceed that of the economy's needs, the federal government attempted to limit further immigration. The government focused on restricting how many people of certain ethnicities could enter the country each year, ignoring the problems facing those immigrants who were already in the United States. Even worse, the policy, through various quota restrictions and fees, encouraged people from Canada and Mexico to enter the country illegally. This paper is intended to analyze the flaws of the major immigration acts passed between 1882 and 1952.

## DEDICATION

To the hard-working members of the history faculty at East Tennessee State University  
and Carson-Newman College.

## ACKNOWLEDGEMENTS

The Cracks in the Golden Door was the subject of a great deal of thought and writing on my part. At times, I never thought I could handle such a complex project, and without a great deal of help from my family, friends, and professors, it might have proved to be impossible.

Coming to ETSU, I had a limited background in historical research. I know that without the help of Dr. Melvin Page during the time I spent in his Introduction to Historical Research class during my first semester, I might never have reached my full potential as a historian. His ability to help me learn about how to research the subject I love, as well as to push me to succeed was invaluable during my two years in the MA program. The members of my committee have all been extremely valuable to me as well. Dr. Emmett Essin took me under his wing from the very start and taught me a great deal about teaching, writing, and researching. Dr. Stephen Fritz has always done a fantastic job at showing me how to adapt to the modern era of historical research and in explaining the many intricacies of historical studies and the life of a historian. My committee chair Dr. Elwood Watson, has been my biggest supporter during my time at ETSU. His patience, constant support, and hard work have helped to make the last two years of work more rewarding than I ever thought they would be, and I owe him a great debt of gratitude.

My family has supported me in many ways over the past two years. My parents, Clarence and Pam Fouche, have stood behind me throughout all of my years of schooling. Their guidance, especially once I joined them in the world of higher education, has and will always be very valuable. They always seemed to know when it was the right time to leave me alone and when to tell me to get back to work or suffer bodily harm. Without their guidance, I would be completely lost when navigating the vast world of higher education. My brother, Joe Fouche, served a valuable role despite the 2000 miles that separate us. His proofreading skills and nearly

constant presence online made sure that I always had a voice prompting me to keep working towards my goal of finishing my degree. My extended family has also supported me in every way possible throughout the years, and I carry their confidence in me wherever I go.

Lastly, I want to thank all of my professors and instructors at East Tennessee State University and Carson-Newman College in all disciplines for providing me with a solid foundation upon which to build my scholarly career. Their hard work and dedication has inspired me to achieve things that I never thought possible. I know that I will benefit from their outstanding scholarship for many years to come, and that I have high expectations to meet in my future career as a historian.

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## CHAPTER 1

### INTRODUCTION

The founding of the United States of America was one of the most significant events in the history of civilization. For the first time, cultures from all over the world began to come together and create a new nation, one where all of the hopes and dreams of the people could be realized.

For much of the first hundred years of its existence, the U.S. welcomed nearly every individual or group who wanted to add their talents to the development of the new nation. The Founding Fathers left virtually no regulations regarding immigration, leaving that responsibility to Congress, which passed its first law about the naturalization of immigrants in 1790.<sup>1</sup> By the end of the 19<sup>th</sup> century, however, many groups began to advocate limitations in immigration because of economic and racial concerns. These groups eventually persuaded the Federal Government to begin passing regulatory legislation aimed at limiting immigration from Asian nations. More legislation came through Congress over the next several decades, leading to the creation of national regulatory agencies such as the Immigration and Naturalization Service (INS).

By the end of the 20<sup>th</sup> century it became apparent to many Americans that the nation's immigration policy had many flaws. Thousands of illegal immigrants were working in the country despite the efforts of the U.S. Border Patrol and other agencies to regulate and restrict immigration from the nearby nations of Mexico, Canada, and Cuba. Since the tragic events of September 11, 2001, concerns about future terrorist attacks have led to a crackdown on illegal immigrants. The nation is now hampered by a series of policies that failed to look to the future. These policies have left it with little choice but to either allow thousands of illegal immigrants to

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<sup>1</sup> United States. Congress of the United States: "An act to establish a uniform rule of naturalization."



remain in the country despite their transgressions or to remove them en masse. The years of 1882-1952 saw the passage of the vast majority of the immigration laws that led to many contemporary problems, making the study of that period critical if researchers were to discover what went wrong.

The Founding Fathers took control of the national government during a time when America faced a long uphill climb towards prominence in the world.<sup>2</sup> For that reason, the Constitution only vaguely mentioned the subject of immigration, and it did not provide for any kind of regulation except for an eventual ban on the importation of slaves. The Founding Fathers gave Congress the power to “establish uniform rule of naturalization”, which pushed any kind of major regulation of immigration into the future.<sup>3</sup> From the beginning, leaders believed that if industrial manufacturing centers were to develop that the country’s labor pool would have to increase rapidly. The U.S. thus needed a large number of immigrants to provide cheap labor for the new industries. Thus, in the first century of American constitutional government, Congress energized immigration without any thought to the future ramifications of allowing so many different people to enter the country.<sup>4</sup>

During the 18<sup>th</sup> and 19<sup>th</sup> centuries, the government viewed immigrants primarily as potential workers and came to view immigration as a work-force movement rather than simply a means to increase the nation’s population. Work-force migration was certainly not restricted to the U.S., as many European nations went through the same process as the world economy began to grow larger. Examples of this are found in the Caribbean, where the advent of mercantilism encouraged indentured servants to migrate there. The later expansion of the plantation economy

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<sup>2</sup> Kitty Calavita, *U.S. Immigration Law and the Control of Labor: 1820-1924* (London: Academic Press, Inc, 1984), 1.

<sup>3</sup> Vernon M. Briggs, Jr. *Immigration Policy and the American Labor Force* (Baltimore and London: The Johns Hopkins University Press, 1984), 16-17.

<sup>4</sup> Calavita, 1-2.

contributed to the need for African slaves, and the eventual penetration of British capitalism into the area pushed the labor force from slave labor towards the use of East Indian wage laborers. Thus, economics and shifts in state policies can have a great impact on migration because of constant changes in the labor needs of the industry. Despite these past precedents, the fact remains that the government failed to recognize that just because it made economic sense to have unlimited immigration, it was not necessarily the best thing for the country in the long-term.<sup>5</sup>

The U.S.'s capitalistic economic system is of course not responsible for the later problems that emerged because of the nation's lack of a comprehensive immigration policy. In capitalism, the work force generally becomes completely separate from the means of production. The hiring and firing of workers is usually based on free contract and bargaining, and having surplus labor is of vital importance. The key way in which a capitalistic system affects immigration workers is that it opens up the possibility of "super exploitation". Such exploitation forced the new and confused workers to do their jobs at minimal wages, while at the same time creating a new class of workers that is virtually powerless against those who are exploiting them. This practice resulted in outbreaks of nativism as well as racism as the nation continued to grow.<sup>6</sup>

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<sup>5</sup> Calavita, 1-3.

<sup>6</sup> Calavita, 3.

## CHAPTER 2

### CHINESE EXCLUSION

#### Restriction Begins

Immigration to the United States began to increase rapidly in 1820. This increase came from a shift in recruitment of workers in the private sector of American industry. At first, the majority of these recruits were skilled workers, mainly British, who could oversee operations in America's growing industrial centers. This practice of recruiting skilled workers however, did not always create harmonious relationships among the foreign skilled and the domestic unskilled workers. Widespread insubordination among the imported skilled workers, along with demands for higher wages led to a move towards mechanization in the mid-nineteenth century. Once these problems began, American factories began to focus their efforts on recruiting unskilled workers to support the mechanization movement.

The Irish Potato Famine forced many starved and poverty-stricken Irish immigrants to search for a new home abroad. The open-door immigration policy of the United States along with public and private recruitment drives led to nearly 1.5 million Irish moving across the Atlantic between 1840 and 1855. The new Irish immigrants became a key component in the expansion of the U.S.'s iron production facilities.<sup>7</sup>

The U.S. movement towards a labor-intensive economy continued during the 1820s and 1830s. At the same time, the nation faced an outbreak of nativism among workers who were already present in the country. The large number of poor immigrants, rising prices, and poor wages served as triggers for the new movement. As early as 1844, political groups began to

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<sup>7</sup> Calavita, 19-24.

form based on nationalist beliefs.<sup>8</sup> The American Republicans of Boston led the way in calling for a halt to open immigration. Their party was appealing to many citizens because it did not use racist propaganda. Instead, it focused on maintaining America in its present (1845) state, believing that it was already a strong nation and should only accept more immigrants if they were being mistreated or held back in their own countries.<sup>9</sup>

Anti-immigrant protesters eventually found a better home in the Know-Nothing party in the 1850s, but despite having their presidential candidate (Millard Fillmore) receive over 900,000 votes in 1856, their cries for reform fell on deaf ears. Politicians focused on trying to repress the movement more effectively rather than reconsidering immigration policies. The only action that Congress took in response to the movement was to order the state department to begin collecting data on the criminals and impoverished people that were entering the country.<sup>10</sup> Despite the lack of any significant legislative success, the American Republicans of Boston and the Know-Nothing Party foreshadowed the later restrictionist movement.

The Civil War served to silence the voices of the nativist movement because it depleted the surplus labor supply and discouraged further immigration. Fortunately, several strikes as well as the high demand for workers brought about an increase in wages for many Northern workers in 1863. Capitalists realized that they needed to act quickly to increase immigration if they wanted to maintain their control over the economy. Their efforts, led by prominent American economist Henry Carey, led to the passage of the Act to Encourage Immigration in 1864. It stated that immigrants who signed a contract to come to the U.S. to work would be bound by that contract, meaning that they could not pursue military service, a homestead, or

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<sup>8</sup> The crisis! An appeal to our countrymen, on the subject of foreign influence in the United States. New York: [s.n.], 1844.

<sup>9</sup> American Republicans of Boston. Address of the Executive Committee of the American Republicans of Boston to the people of Massachusetts. Boston: [s.n.], 1845.

<sup>10</sup> Calavita, 25-31.

another job before the contract expired. Although the Act to Encourage Immigration was repealed in 1868, its impact lasted for many years to come because of the large number of private agencies it created to encourage immigration.<sup>11</sup>

Despite the widespread destruction and turmoil brought on by the Civil War, it served only as a small obstacle for the growth of American industry. Once the war was over, the need reemerged for more and more immigrants to fill jobs. The U.S. went from fourth in the world in the production of industrial goods in 1860 to first in 1894, with an increase in the value of its manufactured products of nearly \$9 million. This increase came about because of the continued movement towards mechanization, which in turn caused a decrease in the need for skilled labor. Nearly twenty-five million immigrants entered the United States during this period. Most of them remained in the cities to work in the industrial sector. The same agencies and corporations continued to step up their efforts to recruit more workers with little regard for their wages or living conditions.<sup>12</sup>

The first attempt by the U.S. government to restrict immigration came in 1882 with the passage of the Chinese Exclusion Act. The act, although narrow in its focus, served as the beginning of the government's serious attempts to limit immigration based on ethnic background. The movement to halt the immigration of Chinese workers into the country started largely because of widespread racism among the nation's industrial leaders.<sup>13</sup>

The first Chinese immigrants arrived in America in 1848 during the California Gold Rush. Naturally, these early immigrants were usually male laborers. The Burlingame Treaty in 1868 established the right for Chinese citizens to enter the U.S. However, upon the completion

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<sup>11</sup> Calavita, 32-37.

<sup>12</sup> Calavita, 38-40.

<sup>13</sup> Roger Daniels, *Guarding the Golden Door: American Immigration Policy and Immigrants since 1882* (New York: Hill and Wang, 2004), 3-17.

of the Transcontinental Railroad, the previously occupied Chinese workers began to work in many of the same professions as whites for much lower wages. The lower wages were of course the result of discrimination by industrial leaders, but they had the affect of creating more discrimination among lower class white workers since they felt that the new Chinese workers would drag their own wages down.<sup>14</sup>

Chinese workers sought to come to America because of the abundance of opportunities for economic advancement that it possessed compared to China. The U.S.'s originally unrestricted immigration policy led to the start of a mass migration of Chinese people and their families across the Pacific. After several decades of migration, U.S. industrial workers and other citizens started to notice that the nation contained an alarmingly high number of odd and seemingly illiterate Chinese people who worked for low wages and lived relatively simple lives. Despite the fact that Chinese immigrants made up only 4.5% of overall immigration from 1870-1880, the workers were convinced that they were going to overwhelm the country and its economy.

California became the center of anti-Chinese beliefs because these Asian workers made up over 60% of the farm laborers in many of its counties. The only reports presented to the American people before the 1870s came from traders, diplomats, and missionaries who had visited China. The majority of these reports portrayed the Chinese as crafty, dishonest, and heathen. Because of the vast culture and language gaps, few workers found any evidence to contradict their previous information sources. In addition to the problems associated with the Chinese workers themselves, many Americans began to view them as a similar group to African-Americans as far as social status. These beliefs led to the beginning of a large-scale movement

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<sup>14</sup> Briggs, 26.

against Chinese immigration, which grew in popularity so quickly that Congress knew it had to take swift action.<sup>15</sup>

At first, Congress concentrated on making sure Chinese immigrants were entering the country of their own free will. Many unethical Americans illegally imported Chinese women for prostitution or other illicit purposes, and it was felt that concentrating on this problem might help ease some of the tensions about Chinese workers. By 1876 both the Republicans and Democrats began to support an end to further Chinese immigration. Restrictionists and other groups managed to convince both parties that continuing to allow members of an inferior group to enter the country was unwise and even dangerous.<sup>16</sup>

The Chinese exclusion movement eventually spread all over California and beyond. Social and religious groups began to call for an end to Chinese immigration during the 1870s. These groups began to lobby the state legislature in 1876, citing concerns that Chinese Americans were unwilling or unable to become truly valuable citizens of the U.S., and that they had no concept of morality. In their minds, such a strange group of people could only serve to destabilize the nation and bring chaos. Various groups brought forth evidence of widespread bribery, perjury, and other unpunished crimes perpetuated by Chinese Americans during the previous years, which created an image in the public of a lawless group of people freely flaunting America's principles.

The resulting public outcry forced the California state legislature to take swift action.<sup>17</sup> By the late 1870s, anti-Chinese sentiment resulted in the passage of a law banning the

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<sup>15</sup> Erika Lee, *At America's Gates: Chinese Immigration During the Exclusion Era, 1882-1943* (Chapel Hill, NC: University of North Carolina Press, 2003), 1-3, 25-27.

<sup>16</sup> Maldwyn Allen Jones, *American Immigration* (Chicago and London: The University of Chicago Press, 1960), 248.

<sup>17</sup> California. Chinese immigration: its social, moral, and political effect. (Sacramento: F. P. Thompson, supt. state printing, 1878.), 4-12.

employment of Chinese workers in the state of California. Although a federal court invalidated the new law in 1880, the resulting movement of the Chinese workers into other states, as well as the subsequent increase in the anti-Chinese movement created a national crisis that had to be resolved quickly. The resulting Chinese Exclusion Act of 1882 prohibited the entry of any Chinese laborers, skilled or unskilled, to the U.S. for at least ten years, on a renewable basis.<sup>18</sup> The act also prevented any Chinese immigrants already in the country from becoming naturalized U.S. citizens.<sup>19</sup> The exclusion act became the first significant restriction of immigration and set the dangerous precedent of restricting immigrants based on their race. For the first in American history, illegal immigration became a criminal offense.<sup>20</sup>

The official reason for such obviously biased legislation was that the Chinese workers were incompatible with American culture because they clung too tightly to their roots and were unwilling to learn the English language well enough to fit into their surroundings. In some cases, the odd-cultured Chinese workers appeared to be inassimilable and, at worst, subversive. Many Americans also believed that the Chinese could never rise above their mediocre and servile status and would serve to degrade free labor if their ranks continued to grow.<sup>21</sup>

The new restriction policy outraged many Chinese immigrants. Their only recourse came about through intense lobbying for the rights of Chinese merchants to continue to travel to and from the U.S. Congress gave into their request in 1894 and drafted legislation that provided Chinese merchants and their families the right to live in the U.S. The exception to the Chinese Exclusion Act allowed any Chinese merchant who either had family still living in the U.S. at the time of its passage or owned property valued at over \$1,000 to return to the U.S. to live if they so

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<sup>18</sup> The Chinese Exclusion Act. <<http://historicaldocuments.com/ChineseExclusionActlg.htm>> accessed 19 June 2007.

<sup>19</sup> Jones, 249.

<sup>20</sup> Lee, 24.

<sup>21</sup> Daniels, 18-21.



desired. The merchants also gained the right to return to China for business trips or family emergencies.<sup>22</sup>

The new policy proved very difficult to enforce. Many merchants came up with the simple strategy of listing multiple business partners, sometimes numbering in the dozens, so that more and more Chinese could enter the country through the loophole. In nearly all cases where lawmakers challenged this practice, the courts upheld that the “partners” were legally merchants and, therefore, were not entering the country illegally despite the ban on Chinese immigration. These loopholes frustrated many restrictionists, who began to view the Chinese as greedy, manipulative people who would find their way into the U.S. regardless of any rules or regulations.<sup>23</sup>

Other Chinese managed to take advantage of the much-decentralized birth registration program in the U.S. during that era to obtain citizenship through fraud. Despite the ban on the naturalization of Chinese immigrants, there was no restriction on the ability of Chinese persons born in the U.S. to be citizens. After they secured their own citizenship, many of these men returned to China in order to get married, but the exclusion act prohibited their wives from joining them in the U.S. This restriction, however, caused yet another loophole to develop; each visit to China created a “slot” during which a Chinese man might have fathered a child. Such children were entitled to U.S. citizenship if the father desired to have them live with him abroad. As a result, many men would later have their “children” join them a few years after their possible birth. In many cases, these so called “paper sons” (“paper daughters” were generally rare), were the children of other men who were sent to the U.S. for a better life, presumably in exchange for money or business opportunities from the father. The “paper son” theory is backed up by the

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<sup>22</sup> United States. A compilation of the laws, treaty, and regulations and rulings of the Treasury Department relating to the exclusion of Chinese (Washington: G.P.O., 1902), 1-2.

<sup>23</sup> Daniels, 21-24.

incredibly high percentage of male children supposedly fathered by Chinese-American men from 1882-1943, when the Chinese Exclusion Act was repealed.<sup>24</sup>

Many of the immigration officials charged with enforcing the much-maligned act saw how blatantly the Chinese manipulated the laws and began to treat all Chinese with disdain. These attitudes began to spread to immigrants from other countries as well and caused immigration commissioners to lobby Congress for new regulations giving them more authority. These regulations gradually added to their power to the point where most immigration officials could make entirely arbitrary decisions on who could enter the country and who could not. Thus, a bureaucracy began to develop that was much more concerned with regulating how many members of a certain nationality could come to America rather than helping them find success in the U.S.<sup>25</sup>

The work of the Industrial Commission on Immigration led to a new focus on immigration regulation. In its 1899 report to Congress, the commission outlined its concerns about the groups of immigrants entering the country each year. The ICI claimed that a large number of these immigrants were illiterate, destitute, or in some cases both. Its data also showed that far more immigrants than established U.S. citizens engaged in criminal activities on a yearly basis. Another problem had less to do with the immigrants themselves and more with inspection and regulatory issues. During the late 1800s, Federal courts had ruled that steamship companies could not be fined for bringing in immigrants who had contagious diseases unless the ships had already reached port. It, therefore, became quite difficult to prevent contagious immigrants from

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<sup>24</sup> Daniels, 24.  
<sup>25</sup> Daniels, 24-26.

entering the country since the Coast Guard routinely inspected ships before they reached their final destination.<sup>26</sup>

As a result of the Industrial Commission's report, the U.S. Congress instituted eight more restrictions regarding the ethnicity of immigrants by the end of the First World War. These restrictions excluded the following groups from entering the U.S.: All Asians except those from the Philippines or Japan, criminals, persons who failed to meet certain moral standards (prostitutes, etc.), persons with contagious diseases, destitute individuals, contract laborers, and illiterates.

The additional exclusions were possible because of the first general immigration law, which Congress passed three months after the Chinese Exclusion Act.<sup>27</sup> This relatively simple measure called for a fifty-cent head tax on any immigrant who arrived in the U.S. by ship; any immigrants arriving via train or on foot from Mexico or Canada were exempt. Congress used the money collected from the new tax to fund any expenses associated with allowing new immigrants into the country. Many times, the new revenues outstripped their expenses because of the intention to run the immigration system as cheaply as possible. In addition to the head tax, the new law made the Secretary of the Treasury (then Charles Folger) the business supervisor of immigration to the U.S. This change in the regulation of immigration was what allowed the new restrictions to take effect. With new control over the state immigration boards, such as that in New York, the national government now had nearly absolute authority to shape immigration policy in any way it saw fit.<sup>28</sup>

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<sup>26</sup> Reports of the Industrial Commission on immigration, including testimony, with review and digest and special reports, and on education, including testimony, with review and digest. (Washington: G.P.O., 1901).

<sup>27</sup> Daniels, 27.

<sup>28</sup> Daniels, 27-28.

Congress charged the Secretary of the Treasury with establishing rules governing immigration that were “not inconsistent with the law”.<sup>29</sup> With the scope of the immigration program growing steadily each year, Congress passed the Immigration Act of 1891, which created the Bureau of Immigration. The new bureau, headed by the Superintendent of Immigration, would carry out the policies set forth by the Secretary of the Treasury. The new act eliminated the state immigration boards as go-betweens for immigration laws, giving the federal government exclusive control over immigration.<sup>30</sup>

Within a year, the Superintendent reorganized immigration to be more efficient and began to route nearly 70% of all enumerated immigrants through the receiving facility on Ellis Island, which combined with the Statue of Liberty to form a symbolic gateway to America. It is important to note that the United States took over a century to establish its immigration service, during which time more than 16 million immigrants entered the country without significant regulation. The delay cost the U.S. a great deal, both economically and in other areas, since it meant that nearly every precedent on immigration regulation was set long after the founding of the country.<sup>31</sup>

The decade of the 1890s saw a great deal of change in the American attitude towards immigration. The country’s economic status was a big factor in this change, as well as the growth of apprehension among the American people who felt that the new immigrants coming to the country were not making it stronger. Another contributing factor to this anti-immigrant attitude was the sheer number of people who entered the country during the last quarter of the 19<sup>th</sup> century. Between 1871 and 1901, nearly 12 million people immigrated to the United States. That total exceeded the number of immigrants who entered the country from the 17<sup>th</sup> century

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<sup>29</sup> Daniels, 28.

<sup>30</sup> Daniels, 28-29.

<sup>31</sup> Daniels, 28-30.

through the 1870s. Prejudice among the established citizenry was the main reason for the shift towards a more restrictive immigration policy in the early 20<sup>th</sup> century. Once the government started restricting the immigration of all peoples in 1907, long-embedded racist feelings towards other ethnicities began to emerge from the American populace, resulting in widespread support for a very restrictive policy.<sup>32</sup> Racism became the driving force behind America's immigration policy, and continued to shape it well into the 20<sup>th</sup> century. Eventually, all races began to face intense scrutiny when they attempted to enter the previously open gates of the United States.<sup>33</sup>

At the end of the 19<sup>th</sup> century, the U.S. began a movement towards becoming a more imperialist nation than ever before. Actions toward Japan, Panama, and the Philippines showed that the U.S. was not limited in influence to its own borders. These administrative changes in the government, however, were not confined to foreign affairs.

The Chinese Exclusion Act proved to be the legal hinge on which American immigration policy turned. It provided the government with the legal foundation for the establishment of the highly restrictive immigration policy of the 20<sup>th</sup> century. Innovations such as green cards, visas, and an immigration bureaucracy came about because of this act. The act also provided Americans with the gate-keeping ideology that provided the government with the impetus to pass more restriction legislation over the next few decades. This ideology defined the way that Americans viewed and thought about race, immigration, and the identity of their nation. Most importantly, it influenced the American people in such a way that many of them began to fear all foreigners, creating a dangerous and unpleasant atmosphere for many immigrants who had a legitimate right to enter the country.

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<sup>32</sup> Daniels, 30.

<sup>33</sup> Lee, 21.

The Chinese Exclusion Act was the first major example of the problem with the U.S.'s immigration policy. The lawmakers were far too intent on appeasing those in business who were anti-Chinese than they were with creating an effective and workable policy for immigration. The result was a frustrating, contradictory policy that allowed thousands of illegal immigrants to enter the country through seemingly legal means while at the same time disallowing legal relatives such as wives from entering the country at all. Even in the 21<sup>st</sup> century, people still feel the affects of immigration's weak foundation.

## CHAPTER 3

### IMMIGRATION ACT OF 1924

#### Restriction Becomes Color-blind

In 1893, a group of concerned Bostonians, keeping with the tradition of the American Republican Party, formed a group known as the Immigration Restriction League. The League's primary purpose was to exclude only those immigrants who belonged to "elements undesirable for citizenship or injurious to our national character." They generally believed that future immigration needed to be limited to individuals who belonged to the original peoples (English, French) who settled America. The league's activities would have a significant impact during the next few decades, as the U.S. government became more and more closed-minded about immigration, and the people began to call for restrictions out of concerns for the future of the nation's economy.<sup>34</sup>

From 1903-1917, the U.S. made several small changes in immigration administration, naturalization procedures, and overall immigration policy. The biggest administrative change involved transferring immigration from the supervision of the Secretary of the Treasury to the newly created Department of Commerce and Labor in 1903. The efforts of the Immigration Restriction League resulted in a 1907 statute that barred anarchists, polygamists, and/or anyone who could not speak the English language from entering the country. This statute helped to define the nation's previously haphazard naturalization procedures and was the first restriction law that affected non-Asians. The statute also renewed the bans on prostitutes, contract laborers,

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<sup>34</sup> Immigration Restriction League (U.S.). Constitution of the Immigration Restriction League. (Boston, Mass: Immigration Restriction League, 189-?).

and person with contagious diseases. The new law also increased the head-tax on immigrants to four dollars, but even these drastic steps failed to keep immigration at a manageable level.<sup>35</sup>

The 1907 statute was also an outgrowth of the assassination of President William McKinley by Leon Czolgosz in 1901. Although Czolgosz was a native-born American, his foreign-sounding name and his status as an anarchist caused an uproar both in Congress and in the American public that led to regulations prohibiting the immigration or naturalization of any foreign citizen who had ties to anarchist movements. The result of the new statute came later that year when the Bureau of Immigration expanded to include Naturalization as well. This state of affairs continued until 1913 when immigration and naturalization split into two separate bureaus, each with its own commissioner.<sup>36</sup>

During the 1900s, the United States continued to debate various measures on limiting the number of immigrants who could enter the country each year. The increasing number of immigrants from Europe and Asia caused a great deal of concern about how the nation could accommodate their needs. Statutes to limit immigration based on individual characteristics and/or beliefs proved ineffective against stemming the tidal wave of immigrants. Following the end of World War 1, the problems of destitution and unemployment brought on by returning soldiers led to widespread fear that the U.S. would be unable to handle a large number of homeless immigrants from war-ravaged Europe. In 1917, Congress passed legislation that banned immigrants who were likely to become public charges, but the act was not nearly enough to prevent the American public from worrying about the consequences of large-scale post-war immigration.<sup>37</sup>

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<sup>35</sup> United States. An act to regulate the immigration of aliens into the United States. (Washington: G.P.O., 1907).

<sup>36</sup> Daniels, 39-40.

<sup>37</sup> Jones, 269.



The concerns brought on by these potential developments led to Congress considering a complete halt to immigration for up to two years in 1920. The House of Representatives, part of a lame duck Congress, overwhelmingly passed a suspension bill. The Senate, however, found such an action to be far too drastic and voted the bill down without hesitation.<sup>38</sup>

Despite the suspension bill's failure, Congress remained committed to finding a way to prevent post-war immigration from overwhelming the nation's economy. Shortly after the Senate rejected the suspension bill, elderly Senator William P. Dillingham introduced a new plan to Congress that would place numerical limits on the number of European immigrants who could enter the country each year. The limit would cap European immigration at no more than five percent of the number of foreign-born U.S. citizens of that country as of the 1910 census. The proposed bill, which was only a one-year emergency measure, would limit the number of European immigrants to 600,000 or fewer, with no alteration to any of the limits already placed upon Asians. The House accepted the measure without any recorded vote but reduced the annual percentage to three percent, limiting European immigration to 350,000 immigrants per year. Unlike the suspension bill, the Senate found no issues with the quota and passed it by a 78-1 margin. The act marked the first time that any sort of numerical cap had been legislated on the number of immigrants entering the country each year.<sup>39</sup>

The Immigration Restriction League regarded the new bill as a significant step towards bringing immigration under control. Their membership believed that aside from the economic consequences of increased immigration, there were serious concerns about the number of immigrants coming from Eastern and Southern Europe. These immigrants were not a part of the original settlement of the New World and thus represented a completely new subsection of

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<sup>38</sup> Daniels, 47-48.

<sup>39</sup> Daniels, 48-49.

American culture. The new immigrants were also far more likely to be illiterate and have trouble reading and writing in their own languages, let alone any ability to read or speak English. Thus, the Immigration Restriction League felt that if the government did not control the level of immigration from Eastern and Southern Europe America's established institutions would never be able to fully educate and Americanize all of the new arrivals.

According to their research, illiterate people were far more likely to become criminals or otherwise be undesirable elements in any society. Further immigration needed to be restricted to "kindred races" such as individuals from Britain, Spain, or France who had the ability to become productive members of American society already. The league used the issue of illiteracy to hide their blatantly racial views from the American public, but their true intentions were obvious. They developed a sense of urgency about new legislation because of the fact that World War I had served to halt immigration for several years, leading to a dead period in the passage of new legislation. Although the new bill was a step in the right direction towards achieving their goals, the league continued to lobby for further restriction of immigration.<sup>40</sup>

In May of 1922, Congress extended the numerical cap for an additional two years, setting the country up for a major debate on the issue in 1924. The congressional actions of 1920-21 portended some level of permanent restriction after the debates in 1924.<sup>41</sup> Many groups seized the opportunity to lobby for increased restriction of immigration, arguing that Americans would be throwing away their birthrights if they continued to allow immigrants to flood the country. In their minds, only those of Anglican descent had the right to build on the legacy of the American

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<sup>40</sup> Immigration Restriction League (U.S.). Brief in favor of the numerical limitation bill. (Boston, Mass: Immigration Restriction League, 1920).

<sup>41</sup> Daniels, 49.

way of life. Other immigrants, such as those from Asia or other parts of Europe, could damage that way of life in many different ways.<sup>42</sup>

Although the post-war depression was over, fears of job stealing and the possible lowering of the standard of living resulting from immigrants working cheaply still gripped the nation. The nation also faced an outbreak of xenophobia as well as a rejection of the European nations who seemingly forced it to enter World War I. Immigrants, especially those who were non-Protestant, represented a serious challenge to America's culture and values. These beliefs helped to define the main issues of the 1924 debate on immigration policy.<sup>43</sup>

The first issue was whether the new quota system should use the 1920 census, and if so, at what percentage. The second issue was whether the quota system would apply to Mexico, Canada, and other New World nations. The third issue revolved around Japanese immigration's inclusion in the quota system (they were not included), and the fourth issue examined what sort of permanent system of immigration control should be established. Restrictionists dominated Congress during this time, so there was little hope of any kind of moderate compromise.

In the end, the Immigration Act of 1924 created an even stricter quota system than the temporary 1921 act. Congress based the new quota on the 1890 census and lowered the percentage of new immigrants allowed from each country to two percent of the 1890 level. The restrictionists had no qualms about stating their reasons for taking such a drastic step. They believed that far too many eastern and southern Europeans were entering the country and that using the 1920 census as a base for the quota system would only increase their numbers. The use

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<sup>42</sup> Restriction of immigration: Question, resolved, that immigration to the United States should be further restricted a debate bulletin. (Norman, Oklahoma: University of Oklahoma, 1922), 29.

<sup>43</sup> Daniels, 49-50.

of the 1890 census in the quota lowered the annual immigration level of Europeans to around 180,000 persons, a level that the public found to be quite acceptable.<sup>44</sup>

The majority of Congress and the American public had no qualms about establishing a racially based immigration policy. The Immigration Act of 1924's purpose was "to maintain the racial preponderance of the basic strain of our people, and thereby to stabilize the ethnic composition of the population."<sup>45</sup> The racially based policy, as it was intended, mainly affected the newer groups of immigrants coming from eastern and southern Europe. Since those groups had only recently begun to come to America en masse, their quota limits were far lower than those of England and other northern European nations were. Despite the smaller quotas, many people from eastern and southern Europe were anxious to move to the U.S. Great Britain never filled its annual quota of 65,361 immigrants, while huge waiting lists built up in countries such as Poland and Italy. In addition to the obvious bias against eastern and southern Europeans, the 1924 act made no mention of the Japanese, who had little or no way of entering the U.S. legally.<sup>46</sup>

As in 1921, the 1924 act placed no numerical limitation on Western Hemisphere immigration primarily because of the need for Mexican agricultural workers. Other exceptions to the quota rule included the wives and unmarried children (only those under the age of eighteen) of U.S. citizens along with ministers and students from other countries. Additionally, the act reaffirmed the long-established rights of Chinese merchants and their families to live in the U.S. Perhaps the most interesting provision of the act, at least for the long term, was that it required visas and photographs for all immigrants for the first time.<sup>47</sup>

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<sup>44</sup> Daniels, 50-52.

<sup>45</sup> Jones, 276-277.

<sup>46</sup> The Immigration Act of 1924. <<http://www.historicaldocuments.com/ImmigrationActof1924.htm>> accessed 18 June 2007.

<sup>47</sup> Immigration Act of 1924.

Restrictionists believed that the new requirement of visas was the most important achievement of the 1924 legislation. In their minds, visas would provide the country with a way of controlling immigration at its source and would give even more discretionary authority to individual consular officials. The only problem that the new visa system created was a new \$9 charge for the visas, which, when combined with increases in the previously created head tax meant that each immigrant had to pay \$18 to enter the country. Previously, immigrants coming from Mexico or Canada were exempt from the head tax.<sup>48</sup>

The fee increase did not cause many problems for those immigrants who came from across the ocean. However, immigrants who previously had enjoyed the right to move freely between Mexico and the U.S. now faced a great deal of financial stress. Prior to the 1924 act, Mexicans and Canadians could come and go as they pleased from the U.S., but now they faced a \$9 entry fee as well as a \$3 fee each time they re-crossed the border. The new fees encouraged many of the previously legal immigrants from Mexico to begin crossing the border without authorization and thus contributed to the massive number of illegal immigrants that entered the country from Mexico in each succeeding year.<sup>49</sup>

The passage of the Immigration Act of 1924 ended an important period of American history. After nearly three centuries of free immigration to the New World, America's doors all but closed.<sup>50</sup> The words on the base of the Statue of Liberty about accepting "huddled masses" now became the symbol of a vanished ideal.<sup>51</sup> The new quota system put a stranglehold on American immigration, which would last for nearly four decades. It took a bloody world war

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<sup>48</sup> Daniels, 53.

<sup>49</sup> Daniels, 53.

<sup>50</sup> Jones, 277.

<sup>51</sup> Emma Lazarus, *The New Colossus* (Champaign, Ill: Project Gutenberg, 1883), 1.

and the deaths of countless millions of people before America was willing to change its mind and call for changes in the way the government ran the immigration bureaucracy.

## CHAPTER 4

### THE DEPRESSION AND WORLD WAR II

#### Displaced Persons and Anti-Semitism

Over the next decade, the country went through a great deal of change. The Great Depression and the New Deal caused the U.S. government to take an unprecedented role in the everyday lives of its citizens. The Depression served to encourage the government to adopt an even more firm stance on immigration, as many leaders feared that the economic problems facing the nation would worsen if action was not taken. The people elected Herbert Hoover to the presidency on a platform to modify immigration to help keep families together, but once the Depression began, Hoover retracted his platform pledge and stated that restriction was “a sound national policy”.<sup>52</sup>

Hoover then began to increase immigration restrictions, with the mindset that given the financial problems facing the nation, to do otherwise would simply increase the number of destitute people living in the country. His new directive gave even more authority to consular officials, who used this authority to require either most immigrants to have substantial amounts of money or a sponsor in the U.S that was willing to support them financially. The Hoover administration looked back at the 1917 statute that gave the government the right to deny the entry of individuals who were likely to become public charges in order to find precedence for its actions. The result was a dramatic drop in immigration, especially from Mexico, where in 1930 the number of legal immigrants declined from 40,000 the previous year to a mere 13,000.<sup>53</sup>

The Roosevelt Administration continued Hoover’s increases in the restriction of immigration and did not see fit to include any significant reforms in the New Deal. The New

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<sup>52</sup> Daniels, 59-60.

<sup>53</sup> Daniels, 60-61.

Deal however did see a few minor improvements in the treatment of resident aliens. The new Federal relief agencies insisted on treating resident aliens and citizens equally. Despite some local efforts to discriminate against resident aliens, the number of deportations each year declined significantly after 1933.<sup>54</sup>

Even before the U.S. became involved in World War II, many European Jews and other ethnicities began to move across the Atlantic out of fear of persecution by the Nazis. The vast majority of this immigration did not occur until after 1938. The American people were still unsure at this time about the events taking place across the Atlantic and saw no need for any significant action that might indicate a show of support for either side.<sup>55</sup> An outbreak of nativism among American workers, along with a lack of knowledge about the persecution of the Jews in Europe, led to a virtual lockdown of the U.S.'s borders by mid-1941.<sup>56</sup> The fact that nothing in the U.S.'s immigration policy made a distinction between refugees and normal immigrants caused a great deal of frustration among people trying to escape the impending war. President Roosevelt, despite being aware of the Nazi persecution of Jews, socialists, and other groups, declined to alter immigration laws until the crisis abroad had virtually run its course.<sup>57</sup>

Without any recognition of the plight of the German Jews by the President, State Department officials led by Secretary of State Cordell Hull continued to restrict immigration any way possible. Their efforts in preventing many of the embattled Jews from entering the country led to widespread accusations of anti-Semitism.<sup>58</sup> Many of these allegations revolved around

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<sup>54</sup> Daniels, 65-66.

<sup>55</sup> Breckinridge Long, *The War Diary of Breckinridge Long: Selections from the Years 1939-1944* ed. by Fred L. Israel, (Lincoln, Nebraska: University of Nebraska Press, 1966), 64-65.

<sup>56</sup> David S. Wyman, *The Abandonment of the Jews: America and the Holocaust, 1941-1945* (New York: Pantheon Books, 1984), 337.

<sup>57</sup> Daniels, 73.

<sup>58</sup> Daniels, 74.



Secretary of State Cordell Hull and Assistant Secretary of State Breckinridge Long.<sup>59</sup> Within a year of his appointment, Long faced a great deal of criticism regarding the department's handling of the German Jews, primarily because of its unwillingness to make exceptions to the quota system for them. He refused to admit that the department had done anything wrong and accused the various groups of undermining his work and interfering with its policies, which he was enforcing to the best of his ability. Despite the widespread criticism he faced, Long managed to stay in President Roosevelt's good graces. Roosevelt even went so far as to voice his overall approval for the State Department's immigration policies during the late 1930s.<sup>60</sup>

One of the most famous examples of the State Department's anti-Semitism came during an incident involving a group of Jewish immigrants who tried to gain entry to the U.S. via Cuba. After the massive German attack on Jewish businesses and synagogues known as Kristallnacht in 1938, German Jews became more eager than ever to leave the country. In 1939, a large group of German Jews began to pool their resources in the hopes of buying passage to Cuba on the *S.S. St. Louis*, a cruise ship capable of carrying 900 passengers. Since the Nazis saw fit to ruin as many Jews as possible financially, many of the passengers had to borrow money from family members abroad in order to pay for their passage on the *St. Louis*.

Over 1000 Jews boarded the *St. Louis* on May 13, 1939, with the hope that they could eventually enter the United States through the Cuban immigrant quota. The ship arrived a few days later, but recent changes in Cuban immigration laws made their tourist landing permits useless. After three days of pleading for permission to land, Cuban officials ordered the *St. Louis* to leave their waters or face military action. They demanded \$500 per refugee before they would allow the ship to dock, which was the standard rate of entry for any refugee to obtain a

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<sup>59</sup> Long, 1.

<sup>60</sup> Long, 161-162.

visa to enter Cuba. There was no chance that the financially limited Jews could meet that price, and after further negotiations proved fruitless, the *St. Louis* set course for Florida. The U.S. Coast Guard monitored the situation and made sure that the *St. Louis* did not attempt to dock at an American port.<sup>61</sup>

Despite the fact that the vessel was low on food and that its passengers had nowhere else to turn, the State Department refused to allow the 1000 Jews entry to the U.S. unless they obtained immigration visas through normal channels. The German-Austrian quota for 1939 had no spaces remaining, and the State Department lacked any system to admit the immigrants aboard the *St. Louis* any other way. With American public opinion still favoring immigration restrictions to lessen the country's economic problems, President Roosevelt had no political motivation to override the quota restrictions via executive order. The *St. Louis* had no alternative but to return to Europe. Once they arrived, several European countries accepted the Jewish refugees who survived the tumultuous journey of the *St. Louis*. The incident made it clear that the U.S. was unwilling to change its policies unless it made political sense to do so.<sup>62</sup>

Another famous example of the State Department's dedication to its strict guidelines involved two German Jewish scholars who tried to come to the U.S. through the Immigration Act of 1924's quota exemption for any individual who was a minister or a teacher. Hebrew National College of Cincinnati, Ohio, managed to bring eleven scholars and their families to America through this exemption. Two other scholars, however, were denied visas because of a change in Nazi regulations in 1934, which changed the status of their Jewish university to that of an institute. Thus, they could not move from a lower position in Germany to a higher one in the

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<sup>61</sup> *The Tragedy of the S.S. St. Louis*. The Jewish Virtual Library, <http://www.jewishvirtuallibrary.org/jsource/Holocaust/stlouis.html> accessed 9 July 2007.

<sup>62</sup> *Voyage of the S.S. St. Louis*. The Holocaust Encyclopedia, <http://www.ushmm.org/wlc/article.php?lang=en&ModuleId=10005267> accessed 9 July 2007

United States. While the Nazis were the primary cause of the scholar's plight, the fact that U.S. immigration officials failed to recognize the duplicity involved in the change in status reveals how little they cared about helping those in need and how much they cared about enforcing their needlessly strict policies.<sup>63</sup>

Years later, researchers discovered that Long's personal diary included a passage that equated Jewish internationalism with communism and stated that he regarded Hitler's work *Mein Kampf* as "eloquent in opposition to Jewry and to Jews as exponents of Communism and chaos." This discovery lends credence to those who theorized that State Department officials were influenced by their own anti-Semitic beliefs during World War II.<sup>64</sup>

The problems facing the German Jews during the 1930s and 1940s who tried to seek refuge in the U.S. mainly resulted from the broad discretionary powers that presidents Coolidge, Hoover, and Roosevelt granted American consuls during their respective presidencies. So much latitude resulted in a huge disparity between the actions of various consuls during the war. Some consuls chose to admit as few refugees as possible, while others actively searched concentration camps to find eligible candidates. U.S. newspapers reported accusations of anti-Semitism in the State Department as early as 1921. With such individuals holding office during the years of the Holocaust, it is no wonder that so many Jews found America's "Golden Door" shut during their time of need.<sup>65</sup>

President Roosevelt finally began to move on the refugee question by the end of the 1930s. He created an advisory committee on political refugees, which sought to form an international conference that could help many different nations open their doors to numbers of war refugees. However, the conference would not ask any nation to exceed any pre-established

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<sup>63</sup> Daniels, 74-75.

<sup>64</sup> Long, 26.

<sup>65</sup> Daniels, 75-76.

limitations on the number of immigrants it allowed in a given year.<sup>66</sup> Roosevelt was concerned that adding additional refugees might bring a halt to the economic improvements brought about by the New Deal. With nearly one third of the nation still stricken with poverty, he believed that a large influx of new refugees would make things worse rather than better in the long term. Roosevelt's political constituents were not inclined to lobby for changes in immigration policies since the New Deal served nearly all of their interests. Thus, Roosevelt had no reason to make any changes until he realized the true nature of the Holocaust. Even so, despite Roosevelt's status as a great leader who took charge of America in many unprecedented ways, he allowed his subordinates to manage the problem of pre-World War immigration, with disastrous results.<sup>67</sup>

In 1939, the new conference succeeded in creating an Intergovernmental Committee on Refugees, which was located in London, England. Before it could set forth its plans to relocate some 400,000 Jews, however, Britain entered the war against Germany, turning the entire nation into a war zone. Despite the new committee's failure, the U.S. certainly bore no direct responsibility for the Holocaust. By the time the government became aware of its true horrors, nearly all of the 6 million victims were already dead. However, statistics on the number of Germans who entered the country from 1933-1940 showed that the U.S. certainly did not do all that it could have. Although there are no official statistics on the number of German refugees who actually requested visas, Germans used less than half of their available quota spaces from 1933-1940. The statistics reveal that a large number of German Jews could have come to the U.S. even given the very strict quota limits present during that time. Given the large volume of oppressed Jews that attempted to leave Germany before the Nazi regime implemented the Final

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<sup>66</sup> Daniels, 76.  
<sup>67</sup> Roosevelt, 275-276.

Solution (the mass killing of Jews and other non-Aryan people), it is apparent that elements within the U.S. were working against them.<sup>68</sup>

Roosevelt insisted on investigating the Holocaust's authenticity before releasing the news to the public. His actions delayed any major U.S. intervention in the conflict by many months.<sup>69</sup> He did this because of several potential political problems that might have resulted from giving the embattled Jews aid before the end of the war. Roosevelt and his administration believed that doing so would stir up a great deal of anti-Semitism and give the president a pro-Jewish political label.<sup>70</sup>

By the time the U.S. reversed its stance on immigration towards the end of the war, it was far too late to do anything to save very many of the Jews from Hitler's Final Solution.<sup>71</sup> Given Roosevelt's overall reluctance to open America's doors to the Jewish refugees during the late 1930s and early 1940s, it is doubtful that the country's immigration policy was solely to blame for not rendering more aid during the war. The policy retains some culpability, however, because of the fact that it gave so much freedom to immigration officials.<sup>72</sup>

By 1944-1945, the government began to loosen some of the immigration restrictions set forth from 1882-1924. The first major step in this regard was the repealing of the Chinese Exclusion Act in 1943 and the establishment of a small quota for Chinese immigrants. However, the Chinese still faced a restriction that was placed on no other race: no matter where a Chinese person might be immigrating from, he or she was charged to the Chinese quota rather than that of the country of origin. The new legislation also failed to address the long-standing problem of

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<sup>68</sup> Daniels, 78.

<sup>69</sup> Milton Plesur, *Jewish Life in 20<sup>th</sup> Century America: Challenge and Accommodation* (Chicago: Nelson-Hall, 1982), 101-102.

<sup>70</sup> Wyman, *Abandonment*, 337.

<sup>71</sup> Wyman, *Abandonment*, 3-6.

<sup>72</sup> Daniels, 73-74.

reunification of Chinese-American families. Finally, in 1946, in an amendment to the earlier act that repealed Chinese exclusion, Chinese wives of nonveteran American citizens were allowed to enter the country outside of the quota restrictions. Despite the improvements to the quota system, it remained largely discriminatory and racist in nature.<sup>73</sup>

After nearly three quarters of a century of making policy, the U.S. government finally formulated a policy for handling refugees in 1948. The main catalyst for this policy, aside from the Holocaust itself, was the deplorable conditions found in the displaced persons camps across Europe after the end of World War II. President Truman responded to several horror stories about the camp conditions by ordering the dean of the University of Pennsylvania Law School to investigate the conditions of the DP camps in mid-1945. Harrison's report confirmed that the conditions were, in most cases, no better than those of the German concentration camps. The report requested that the U.S. take steps to aid the embattled Jews in their resettlement, but its overall impact resulted in aid for all of the European DP's.<sup>74</sup>

The Harrison Report led to President Truman calling on Congress to create what became the Displaced Persons Act of 1948. In his 1947 inaugural address, Truman charged Congress with developing a policy that would help the U.S. "fulfill [its] responsibilities to these thousands of homeless and suffering refugees of all faiths."<sup>75</sup> The Citizens Committee on Displaced Persons, a group formed to advocate special legislation that would allow DP's to enter the U.S, called for the admission of 400,000 European refugees over the next four years.<sup>76</sup>

The first version of the bill was introduced on April 1, 1947. It called for the admission of 100,000 DP's during each of the next four years, just as the Citizens Committee had asked.

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<sup>73</sup> Daniels, 92-94.

<sup>74</sup> Mark Wyman, *DPs: Europe's Displaced Persons, 1945-1951* (London: Cornell University Press, 1989), 134-137.

<sup>75</sup> Daniels, 105.

<sup>76</sup> Daniels, 105-106.

However, the bill required all of these special immigrants to meet the standard requirements of immigration law and gave preference to relatives of American citizens as well as allied war veterans.

The Displaced Persons Act of 1948 added several categories of persons that would receive extra attention during the admission of refugees. These categories identified persons of German ethnicity who could be classified as “German expellees” in order to serve victims of the Holocaust better. Additionally, the final bill authorized the issuance of only 202,000 visas above the quota system from 1948-1950.<sup>77</sup>

In contrast, another stipulation added to the act forbade the issuance of a visa to any person who was a member of a movement that had been hostile to the U.S. or its government. Later on, the federal commission that administered the DP program estimated that the new stipulation, combined with the Internal Security Act of 1950 that listed specific organizations whose members were ineligible for visas, barred over 100,000 refugees. Nazi policies forced many innocent people into contributing to the war effort or facing death, making it possible to exclude Jews based on the amount of service they gave during the war.

The most damaging restrictions were those designed to reduce the number of Jews admitted under the Displaced Persons act of 1948.<sup>78</sup> Although no part of the act clearly stated any limitations against Jews, one section set aside 50% of the German and Austrian quotas to individuals of “German ethnicity”, giving immigration officials some leeway in who actually

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<sup>77</sup> The Displaced Persons Act of 1948.  
<<http://tucnak.fsv.cuni.cz/~calda/Documents/1940s/Displaced%20Persons%20Act%20of%201948.html>> accessed 20 June 2007.

<sup>78</sup> Daniels, 106.

managed to find their way to America. With the anti-Semitism of the State Department already well established, this section of the DP act proved to be very damaging.<sup>79</sup>

In order to make the appearance of maintaining the strict quota system, Congress still assigned each DP to an existing quota. However, Congress also created a mortgage system that various nations could use to allow more immigrants to enter at a time during the DP crisis. Latvia, for example, mortgaged their small quota of 286 persons all the way to the year 2274. Congress made no serious attempt to secure payments on the new “mortgages”, instead using them to create the public illusion that they still had control over the new influx of immigrants.<sup>80</sup>

In 1950, Congress renewed the DP act for an additional two years, raising the overall total of visas above the quota system to 415,000. By 1952, the U.S. had succeeded in creating a policy in handling refugees that was mostly compatible with the existing quota system. Sadly, the discriminatory nature of some of the original 1948 provisions overshadowed some of its successes. Even so the DP act was an overall step in the right direction for U.S. immigration policy.<sup>81</sup>

By 1952 the U.S. Displaced Persons Commission had had a chance to analyze the need for the country to allow more immigrants from some of the new communist nations. The commission recommended that the nation admit 300,000 refugees from overpopulated and communist countries on a non-quota basis over the next three years. The 1952 Immigration and Nationality Act came about as a result of the commission’s work. Persons of Asian ethnicity would now be counted against the quota of their country of origin rather than their country of birth. Most importantly, the act removed the ethnic restrictions that had previously prevented many Asian immigrants from becoming U.S. citizens. The new right allowed naturalized Asians

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<sup>79</sup> The Displaced Persons Act of 1948.

<sup>80</sup> Daniels, 109.

<sup>81</sup> Daniels, 112.



to bring many of their family members to America. As a result, the Asian population of the U.S. began to increase exponentially.<sup>82</sup>

Although the Displaced Persons Act of 1952 did not result in an enormous flood of immigrants, the act did provide for a much more friendly policy towards immigrants of all races than ever before. The events of 1952 helped to lead the way towards the movement for a complete overhaul of the country's immigration policies during the mid 1960s. While the nation's overall response to the events of World War II was inadequate as far as immigration was concerned, the shock and outrage of the failure to help more of the Holocaust victims was not in vain, as it helped Americans to realize just how much harm the restrictive immigration policies had done to the rest of the world.

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<sup>82</sup> Daniels, 118-119.

## CHAPTER 5

### CONCLUSION

In examining American history, it is clear to see that the U.S. has experienced many difficulties on the road towards becoming a great nation. It is sad to realize that despite its status as a melting pot, racism and discrimination played a very significant role in shaping American history. Throughout the years, the U.S. turned its back on its founding principles of liberty and justice for all many times. Immigration was certainly no exception to this disappointingly consistent trend. The open gate of America turned into a tightly sealed door as soon as citizens and politicians began to base immigration legislation on their selfish and racist beliefs. They refused to recognize the many positive contributions made by legal immigrants during the formation of the country, instead assuming that it was better to freeze the nation's ethnicity in place as much as possible. The result was a hostile and abusive immigration policy that was based on racial stereotypes and bigotry. It took almost a century before the Johnson Administration's liberal practices during the mid 1960s undid wrongs done by immigration acts passed between 1882 and 1952.

There is little doubt that America's immigration policy could have developed properly if its leaders had avoided the racist outcries of the 1870s and beyond. Even though racism was rampant in the U.S. during those decades, it is saddening that the nation was not led by moral leaders who had the ability to see beyond the color of a person's skin. Once the national government became stronger, its willingness to interfere in the lives of its citizens began to increase dramatically. The result was an immigration infrastructure that was far more interested in shaping the racial makeup of American than it was in giving all immigrants an equal opportunity to succeed in their new nation. Politicians deserve their share of the blame since

they created the actual policies, but they had ample cause to frame them in such a way because of the fact that the American people demanded drastic changes during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. Even worse, the nation was unprepared for the tragic events of World War II and the Holocaust, stranding thousands of persecuted Jews in Europe while there were plenty of legal ways to allow them to enter the U.S.

As the nation goes through the worst immigration crisis in its history, researchers cannot be afraid to look back at the moments in American history that do not make its citizens proud. Despite the overwhelming evidence of greed, racism, and incompetence that can be found during the study of our nation's history, there have always been signs that America can indeed be a great nation. Without historians who are willing to examine its past mistakes, no country can look to the future with any sense of hope.

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